UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/52/L.37
11 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Iceland, Ireland, Italy, Netherlands, Nicaragua, Norway, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Venezuela: draft resolution

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 50/171 of 22 December 1995, and taking note of Commission on Human Rights decision 1997/104 of 3 April 1997,

Mindful that the International Covenants on Human Rights[1] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[2] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary General[3] on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

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[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] A/52/446.

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Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in these circumstances can be assessed;

6. Also stresses the importance of fully taking into account the gender perspective in the implementation of the International Covenants on Human Rights at the national level, including the national reports, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages the States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to

formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-first[4] and fifty-second sessions;[5]

10. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth,[6] and fourteenth and fifteenth[7] sessions;

11. Invites the Committees to identify specific needs of States parties that might be addressed through the Advisory Services and Technical Assistance Programme of the Office of the United Nations High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

12. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect these uniform standards, as expressed in the general comments of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

13. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and in their reports to make use of gender-disaggregated data;

14. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights;

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[4] Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40).

[5] Ibid., Fifty-second Session, Supplement No. 40 (A/52/40).

[6] Official Records of the Economic and Social Council, 1996, Supplement No. 2 (E/1996/22).

[7] Ibid., 1997, Supplement No. 2 (E/1997/22).

15. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

16. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

17. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

18. Also requests the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

19. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.